

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No.: 19-10095-TPA  
: :  
Larry E. Charles : Chapter: 12  
Shirley M. Charles :  
Debtor(s). :  
: Date: 8/7/2019  
: Time: 12:00

**PROCEEDING MEMO**

**MATTER:** #51 Preconfirmation Hearing on Chapter 12 Plan  
#65 Obj. by CNH Industrial Capital America LLC  
#66 Obj. by Farm Service Agency  
#82 Obj. by Fairport Asset Management II, LLC

**APPEARANCES:**

Debtor: Brian C. Thompson + Debtors  
Trustee: Ronda Winnecour (video)  
CNH: Robert Adams (video)  
Farm Service: Jill Locnikar (video)  
Fairport Asset: Kelly Neal (video)

**NOTES:**

Thompson: I think there was confusion when we first filed the Plan. We only had a few monthly operating reports. We provided additional industry information. The wage attachment is remitting at \$3,800. The attachment did not start until we knew the projected plan payment. The Plan payment begins in June 2019. The son has the cows. They have social security income and wages. I believe the other son's chapter 12 will end in September. We are trying to resolve the objections. I would recommend more time to negotiate.

Winnecour: I have \$6,641. There is a remitting milk attachment. The first one was slightly under and the second one has remitted.

Locnikar: Farm Service Agency has the same questions with feasibility. We have always had a question about the operation since they say they do not own any cows or lease any cows. They asked me to raise today problems with the cash flow statement.

Mr. Charles: There is a total of about 35 milk cows and young stock that he owns. The last time the farm was appraised was 1999 valued around \$400,000.

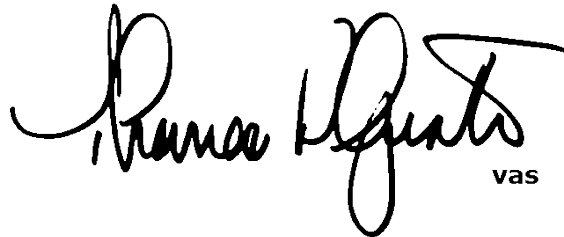
Adams: They show the social security going into the top line of that chart. They also talk about the son being in his own chapter 12. We did file a motion for relief from stay for August 22, 2018.

Neal:

We also filed an objection based on feasibility and the treatment of Fairport's claim. The loan was originated 20 years ago, matured 5 years ago, and the Plan seeks to stretch it out for 20 more years. There is no indication the Debtor has any ability to shorten that term.

**OUTCOME:**

Chambers to enter order. Hearing continued to August 22, 2019 at 11:30. In the next week realistic projections shall be filed, aligned for every item of income with all expenses identified. An amended Plan to be filed in Conciliation conference scheduled for the next two weeks, which is to be scheduled by the Chapter 12 Trustee.



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